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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,324	01/22/2001	Alain S. Rossmann	3399P038	9361

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/767,324

Applicant(s)

ROSSMANN ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 and 20-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 20-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE filed 11/14/2006 to the original application filed 01/22/2001.

Claims 12-18 and 20-51 are presented for examination. Claims 48-51 have been added.

Claims 12-13, 18, 30, 38, and 48 are independent claims.

Please note that examiner formerly in charge of examining this application, Gautam Sain, is no longer employed at the USPTO. Now Maikhanh Nguyen is in charge of examining this application. Please update future correspondence accordingly.

Request Continuation for Examination

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/2006 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-18 and 20-51 are rejected under 35 U.S.C. 102(b) as being anticipated by
Rossman (U.S. Pat. No: 5809415, issued 09/15/1998)

As to claim 18:

Rossman teaches a machine-readable program storage medium tangibly embodying a sequence of instructions executable by a machine to cause the machine to perform a process comprising:

- receive a web page (*e.g., when the user initiates communication over airnet network 750, client module 702 initializes a work space in memory 716 of cellular telephone 700 and then, in get home URL process 801, stores a URL in the work space .. the cellular telephone obtains the home URL from server 749. Thus, in get home URL process 801, client module 702 obtains the home URL ... the world-wide web; col. 25, lines 5-25 & table 2 and the associated text*), wherein the web page includes a plurality of data elements and wherein each one of the

plurality of data elements is of at least one of a plurality of known data types [col. 25, lines 5-40 & col. 31, line 55-col. 32 line 8];

- classify each one of the plurality of data elements as being of one or more of the data types; determine a plurality of related operations for each one of the plurality of classified data elements, based on the data type or types of which the data element has been classified (*e.g., client module 702 to display screen 705 and so allows client module 702 to specify the information presented on display screen 705...if the TIL deck includes an image, the user interface manager module determines whether the active card calls for display of the image ... If the active card directs the user interface manager module to display the image, the user interface manager module passes the image in memory 716 to display module 712, which in turn displays the image on display screen 705; col. 24, lines 5-34 & The operations in store identifier process 850 are the same irrespective of the particular process that transfers to process 850. In each instance, an identifier is passed to store identifier process 850 and process 850 saves the identifier in working memory 716 ... The identifier can be, for example, a pointer to another location in the current card, an address of another card in the current deck, a URL to a deck stored in working memory 716, a URL to a TIL deck in TIL decks 760 on computer 743, or perhaps, a URL to a common gateway interface program in CGI programs 761 on computer 743. Thus, process 800 checks the stored identifier to determine the action required; col. 31, lines 5-21); and*

- cause an indication of the plurality of related operations to be output to a user when the user accesses the web page, to enable the user to invoke any of the related operations (e.g., *When the user presses a predetermined key, or key sequence, the client process in cellular telephone 100 interprets the next card in the card deck, i.e., the choice card, and in turn generates a menu 201 ... When a key on the keypad of cellular telephone 100 is pressed, the menu item corresponding to that key is highlighted on screen 105. Thus, menu 201 shows the first item highlighted to indicate that the one key was pressed by the user ... to indicate the user's choice on display screen 105 such as an arrow pointing at the choice, if such an indication is desired; col. 12, lines 22-64 & Screen display 401 provides the user with a series of choices that group services alphabetically ... When the user depresses the seven key on the keypad of cellular telephone 100, cellular telephone 100 displays a list of the services that have letters P, R, or S as the first letter in the service name ... screen displays 401 and 402 are a single card, e.g., a single screen. Each of the various services associated with a key has an index and when a particular choice is made by the user, the choice defines an index. The client process then displays all of the services with the index that corresponds to the index defined by the user's choice ... the user depresses the three key on the keypad of cellular telephone 100 to select the stock quotes and item three in screen display 402 is highlighted; col. 17, line 66-col. 18, line 9).*

As to claim 20:

Rossman teaches causing the indication of the plurality of related operations to be output includes promoting at least one of the plurality of related operations (e.g., menu 201 shows the first item highlighted to indicate that the one key was pressed by the user...indicate the user's choice on display screen 105 such as an arrow pointing at the choice, if such an indication is desired ...A multi-display screen card indicator 203...a hand icon with a finger pointing down, shows that the screen associated with the current choice card includes additional items that are not shown on display screen 105. Herein, a screen can be larger than the number of lines available on display screen 105 and so the user must scroll the screen display to view the complete screen; col. 12, lines 22-col.13, line 23 & When the user selects personal information on the home screen display or on a subsequent screen display associated with the home card, a message including a resource locator for a personal information deck is transmitted from cellular telephone 100 to computer 131. In response to the message, computer 131 transmits a card deck that includes a display card and a choice card to cellular telephone 100... Screen display 304 is a menu of the personal information that is stored on server computer 131 for use by the user of cellular telephone 100. Multi-display screen card indicator 203, e.g., the hand with a finger pointing down, illustrates to the user that the list has additional items that appear on the next screen display ... cellular telephone 100 to view the user's schedule ... a card deck that includes a choice card that describes the user's schedule for that day; col. 16, line 31-col. 17, line 37).

As to claim 21:

Rossman teaches selecting one of the pluralities of related operations; displaying the selected one of the plurality of related operations in a first mode; and displaying the unselected ones of the plurality of related operations in a second mode (*e.g., the user makes another selection, the same sequence of processes as described above for the first choice card is executed by client module 702, and another URL is stored that points to a program on server 749 that retrieves the desired weather information and generates a deck with that information. This deck is transferred to cellular telephone 700 and displayed; col. 32, lines 53-59 & col. 44, lines 64-47, line 35).*

As to claim 22:

Rossman teaches selecting at least one of the pluralities of related operations wherein the selection is determined by a preference (*e.g., Notice that screen display 202 includes a header, that describes the selection made by the user on screen display 201, in addition to the second menu of choices available to the user. A multi-display screen card indicator 203, e.g., in this embodiment, a hand icon with a finger pointing down, shows that the screen associated with the current choice card includes additional items that are not shown on display screen 105; col. 16, lines 53-63 & the operations in process 800...the user is presented with a list of three choices on display screen ... client module 702 stores the URL ... Since this URL is to an object on computer 743, processing transfers through checks 851 and 853 to create HTTP request process 802, which in turn generates the request. When the HTTP request is transmitted to server 749, as described above with*

respect to process 804, server 749 in service request process 862 retrieves deck www from TIL decks 760; col. 31, line 46-col. 32, line 59 & module 702 interactive with components within the cellular telephone to perform the various operations specified by the user; col. 39, lines 40-59).

As to claim 23:

Rossman teaches the preference is based on a user profile (e.g., the characteristics of the particular cellular telephone 100 in which client module 602 ...control the particular hardware in cellular telephone 100, a manager module to interface with the particular cellular telephone network protocol used by cellular telephone 100, and a manager module to interpret the card decks received ... the client process controls the operations of a plurality of cellular telephone ... the parameters used to define the user interface level are the display resolution, the pixel access of the display, and the support of soft keys ... The user interface manager module presents data to the display module which in turn drives display screen 605; and captures data entered by the user on display screen 605; col. 20, line 11-col. 21, line 13 & also see table 1 and the associated text).

As to claim 24:

Rossman teaches the preference comprises a service provider preference (*e.g., Internet service provider; col. 17, lines 50-55*).

As to claim 25:

Rossman teaches the preference is based on a financial incentive (*col. 37, line 59-col. 38, line 29*).

As to claim 26:

Rossman teaches extracting data from each one of the plurality of classified data elements (*e.g., The application retrieves a card deck that, in turn is transmitted to cellular telephone 100. The card deck includes a display card and an entry card; col. 18, lines 11-52 & col. 37, lines 42-58*); receiving a selection of one of the plurality of related operations; outputting the extracted data corresponding to the selected one of the plurality of related operations (*e.g., When the user selects personal information on the home screen display or on a subsequent screen display associated with the home card, a message including a resource locator for a personal information deck is transmitted from cellular telephone 100 to computer 131. In response to the message, computer 131 transmits a card deck that includes a display card and a choice card to cellular telephone 100... Screen display 304 is a menu of the personal information that is stored on server computer 131 for use by the user of cellular telephone 100. Multi-display screen card*

indicator 203, e.g., the hand with a finger pointing down, illustrates to the user that the list has additional items that appear on the next screen display ... cellular telephone 100 to view the user's schedule ... a card deck that includes a choice card that describes the user's schedule for that day; col. 16, line 31-col. 17, line 37); and processing the extracted data in the selected one of the plurality of related operations (e.g., the user depresses the three key on the keypad of cellular telephone 100 to select the stock quotes and item three in screen display 402 is highlighted the client process in cellular telephone 100 interprets the display card and generates screen display 403 (FIG. 4D). When the user depresses a predetermined key, entry screen display 406 (FIG. 4E) is generated on display screen 105 of cellular telephone 100 ... uses the retrieved information to generate a card deck that contains the information and then transmits the card deck to cellular telephone 100; col. 18, lines 11-40).

As to claim 27:

Rossman teaches the process is executed on a user terminal (e.g., the client process is stored as a client module ... the execution of the client module on a microcontroller in the device is sometimes referred to as the client process; col. 8, lines 60-67).

As to claim 28:

Rossman teaches the process is executed on a server (e.g., The server processes the message, i.e., executes the application addressed by the resource locator; col. 4, lines 38-

41 & the server process, hereinafter sometimes referred as server; col. 8, line 67-col. 9, line 3).

As to claim 29:

Rossmann teaches the process is executed on a server (*e.g., the server processes the message, i.e., executes the application addressed by the resource locator; col. 4, lines 38-41 & the server process, hereinafter sometimes referred as server; col. 8, line 67-col. 9, line 3*) and a user terminal (*e.g., the client module interprets the response and generates a user interface using information in the response; col. 4, line 41-col.5, line 14 & the client process is stored as a client module ... the execution of the client module on a microcontroller in the device is sometimes referred to as the client process; col. 8, lines 60-67*).

As to claim 13:

The rejection of claim 18 is incorporated herein in full. Additionally, Rossmann teaches a processor (*e.g., a server computer*) and a storage (*e.g., a memory*) [see fig.1].

As to claim 14:

Rossmann teaches a user terminal coupled to the processor and wherein the instructions executable by the processor further configure the processing system to determine a plurality of related operations for each one of the plurality of classified data elements (*e.g., the client process controls the operations of a plurality of cellular telephone*

dependent support processes that are stored in ROM 601 such as a display module, a keypad module, and a network and terminal control module, that were referred to above collectively as support modules 603 ... The user interface for cellular telephone 600 determines the version of the user interface manager module ... presents data to the display module which in turn drives display screen 605; and captures data entered by the user on display screen 605. In response to this information, the client process prepares a message for transmission by a network manager module; col. 20, line 11-col. 21, line 13); and output the plurality of related operations to a user terminal (col. 31, line 39-col. 32, line 63).

As to claim 15:

Rossman teaches the processor is coupled to the user terminal via a network (*e.g., the user of cellular telephone 100 connects to Internet service provider computer 141; col. 17, lines 50-55 & see fig.1 and the associated text*).

As to claim 16:

Rossman teaches the network includes, among other things, a wide area network (*e.g., wide area network; see the Abstract*).

As to claim 17:

Rossman teaches the user terminal includes, among other thing, a group **consisting of**, a two- way pager (*e.g., a two-way pager; see the Abstract*).

As to claim 48:

The rejection of claim 13 is incorporated herein in full. Additionally, Rossman teaches a network interface and a display (*e.g., the user interface is a display; col. 4, lines 46-47*).

As to claim 49:

Rossman teaches a keypad to enable the user to select one of the plurality of related operations and to invoke the selected operation (*e.g., the user depresses the one key on the keypad of cellular phone ... generates screen display 308 upon the user subsequently depressing a predetermined key; col. 17, lines 25-49*).

As to claim 50:

Rossman teaches display the plurality of related operations on the display includes promote at least one of the plurality of related operations (*e.g., the user is presented with a list of three choices on display screen 705, i.e., a user interface for the choice card is generated: 1. News 2. Weather 3. Sports; col. 31, line 65-col.32, line 59*).

As to claim 51:

Rossman teaches at least one of the plurality of related operations are promoted based on a user preference (*e.g., Notice that screen display 202 includes a header, that describes the selection made by the user on screen display 201, in addition to the second menu of choices available to the user. A multi-display screen card indicator 203, e.g., in this*

embodiment, a hand icon with a finger pointing down, shows that the screen associated with the current choice card includes additional items that are not shown on display screen 105; col. 16, lines 53-63 & the operations in process 800...the user is presented with a list of three choices on display screen ... client module 702 stores the URL ... Since this URL is to an object on computer 743, processing transfers through checks 851 and 853 to create HTTP request process 802, which in turn generates the request. When the HTTP request is transmitted to server 749, as described above with respect to process 804, server 749 in service request process 862 retrieves deck www from TIL decks 760; col. 31, line 46-col. 32, line 59 & module 702 interactive with components within the cellular telephone to perform the various operations specified by the user; col. 39, lines 40-59).

As to claim 12 and 30:

Refer to the discussions of claims 18 and 26 above for rejections.

As to claims 31-37:

Refer to the discussions of claims 20-26, respectively, for rejections.

As to claim 38:

The rejection of claim 12 above is incorporated herein in full. It is noted that claim 38 does not require the step of “receiving a web page in a server, wherein the web page

includes a plurality of data elements and wherein each one of the plurality of data elements is of at least one of a plurality of known data types.”

As to claims 39-44:

Refer to the discussions of claims 33-37, respectively, for rejections.

As to claims 45-47:

Refer to the discussions of claims 27-29, respectively, for rejections

Response to Arguments

4. Applicant's arguments filed 11/14/2006 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Laursen et al. US Pat. No. 6,065,120 Issued: May 16, 2000
- Xu et al. US Pat. No. 6,151,628 Issued: Nov. 21, 2000

- Laursen et al. US Pat. No. 6,233,608 Issued: May 15, 2001
- Lin et al. US Pat. No. 6,275,693 Issued: Aug. 14, 2001
- Aravamudan et al. US Pat. No. 6,301,609 Issued: Oct. 9, 2001
- Fox et al. US Pat. No. 6,421,781 Issued: Jul. 16, 2002
- Dusse et al. US Pat. No. 6,647,260 Issued: Nov. 11, 2003
- Bickmore et al. US Pat. No. 6,857,102 Issued: Feb. 15, 2005
- Hawkins US Pat. No. 7,025,209 Issued: Apr. 11, 2006
- Hawkins US Pub. No. 2001/0032254 A1 Pub. Date: Oct. 18, 2001
- Dusse US Pub. No. 2002/0068554 A1 Pub. Date: Jun. 6, 2002

Contact information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Maikhanh Nguyen

William L. Bashore
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